

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2015 OCT 27 AM 10 59

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

STEPHAN HARRIS, CLERK
CHEYENNE

| | | |
|--|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 14-cv-151-ABJ |
| |) | |
| One Cessna Airplane, Model Number TU- |) | |
| 206, bearing Tail Number N6214V, and |) | |
| Serial Number U206-1189 |) | |
| |) | |
| and |) | |
| |) | |
| 259, 717 United States Currency, |) | |
| |) | |
| Defendant-Property. |) | |
| |) | |
| SCOTT MICHAEL LEWIS |) | |
| |) | |
| Claimant. |) | |

INITIAL PRETRIAL ORDER

Anticipated Length of Trial: 3-4 days.

Jury: X

Non-Jury:

1. _____

Consent to Trial by Magistrate Judge: The parties are aware of the provisions of 28 U.S.C. § 636(c) and Local Rule 73.1(b), and acknowledge that this case will proceed before the District Judge assigned hereto and not before the Magistrate Judge located in Cheyenne, Wyoming. However, the parties are not precluded from

consenting to trial before a Magistrate Judge at any time sixty (60) days before the trial date.

2. IS NOT This is/is not a complex case.
3. November 2, 2015 **CLAIMANT's MOTION TO QUASH SEARCH WARRANT** must be filed by this date.
4. November 16, 2015 **RESPONSES TO CLAIMANT's MOTION TO QUASH SEARCH WARRANT** must be filed by this date or, if dispositive motions are filed earlier than the date set out in paragraph 3 above, within fourteen (14) calendar days after service of the motion.
5. December 17, 2015 **HEARING ON CLAIMANT'S MOTION TO QUASH SEARCH WARRANT** will be held on this day at 1:30 pm in Cheyenne, Wyoming. If the parties are unable to conclude their presentations in one afternoon, the hearing will continue on December 18, 2015 at 1:30 pm.
6. January 18, 2016 **EXPERT WITNESSES FOR GOVERNMENT** must be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion. All designations of expert witnesses must comply with the provisions of Local Rule 26.1(g) and must be completed by this date.
7. February 22, 2016 **EXPERT WITNESSES FOR CLAIMANT** must be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion. All designations of expert witnesses must comply with the provisions of Local Rule 26.1(g) and must be completed by this date.
8. March 18, 2016 **FACT DISCOVERY including expert witness depositions**, must be completed by this date. Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline. The parties shall comply with Federal Rules of Civil Procedure Supplemental Rule G (6).
9. May 2, 2016 **DISPOSITIVE MOTIONS** must be filed by this date. Requests for a hearing must be filed at the same time dispositive motions are

filed. No hearing will be held on any dispositive motion in the absence of a timely request for hearing and as ordered by the Court by separate order. **Generally, however, all dispositive motions will be decided on the briefs without a hearing.**

10. May 16, 2016

RESPONSES TO DISPOSITIVE MOTIONS must be filed by this date or, if dispositive motions are filed earlier than the date set out in paragraph 9 above, within fourteen (14) calendar days after service of the dispositive motion. Requests for a hearing must be filed at the same time responses to dispositive motions are filed. No hearing will be held on any dispositive motion in the absence of a timely request for a hearing and as ordered by the Court by separate order. **Generally, however, all dispositive motions will be decided on the briefs without a hearing.**

11. May 23, 2016

REPLIES TO DISPOSITIVE MOTIONS may only be filed if no hearing has been set and must be filed within seven (7) calendar days after service of any response brief, or no later than this date.

12. May 2, 2016

ALL OTHER PRETRIAL MOTIONS (including *Daubert/Kumho* motions but **not** including other motions in limine) must be filed by this date.

13. May 16, 2016

RESPONSES TO ALL OTHER PRETRIAL MOTIONS (including *Daubert/Kumho* motions but **not** including other motions in limine) must be filed by this date.

14. May 23, 2016

REPLIES TO ALL OTHER PRETRIAL MOTIONS (including *Daubert/Kumho* motions but **not** including other motions in limine) must be filed by this date.

15. July 1, 2016

JOINT FINAL PRETRIAL MEMORANDUM must be filed on or before this date. The Government is responsible for timely filing the complete Joint Final Pretrial Memorandum in the form set forth in Appendix C to the Court Procedures for Judge Alan B. Johnson.

16. July 1, 2016

MOTIONS IN LIMINE must be filed with the Joint Final Pretrial Memorandum by this date.

17. July 15, 2016 **RESPONSES IN OPPOSITION TO MOTIONS IN LIMINE** must be filed within fourteen (14) calendar days after the motion in limine has been filed or no later than this date.
18. July 22, 2016 **REPLIES TO RESPONSES IN OPPOSITION TO MOTIONS IN LIMINE** must be filed within seven (7) calendar days after the response to the motion in limine is filed or no later than this date.
19. August 19, 2016 **FINAL PRETRIAL CONFERENCE** will be held on this date at 9:30 a.m. in Cheyenne, Wyoming. One hour will be allocated for the final pretrial conference. The parties must exchange exhibits and witness lists prior to this date.
20. September 6, 2016 **A JURY TRIAL** will be held on this date in Cheyenne, Wyoming, commencing at 1:30 p.m.
21. N/A **TRIAL BRIEFS, if any**, must be submitted no later than this date.
22. August 23, 2016 **For a JURY TRIAL, the parties MUST** exchange and file proposed voir dire questions, jury instructions, and special verdict forms no later than this date, subject to the right of counsel to supplement such requests during the course of trial on matters that cannot reasonably be anticipated. Proposed jury instructions, verdict forms, and voir dire questions must be submitted in writing and filed, as usual, and sent as an attachment via e-mail directly to Judge Johnson's Chambers, wyojudgeabj@wyd.uscourts.gov, formatted for WordPerfect or Word. Each party can also submit a separate concise statement of their contentions, which must be no more than one and one-half pages in length. Requests for instructions are to include one set with authority and one additional set ready for submission to the jury; no signature block on the bottom of each instruction is necessary. Stock instructions need not be provided. However, if the parties want instructions that differ from the stock instructions, they can provide them with their proposed substantive instructions.
23. August 23, 2016 **JERS SYSTEM**, The Court is implementing a new system for electronic submission of exhibits to the jury. The jury evidence recording system (JERS) allows jurors to review evidence (documentary, photo, or video exhibits) on a large plasma screen during deliberations. Attorneys should provide their trial exhibits

in electronic format on a USB drive, DVD, or CD to the Office of the Clerk of Court on or before this date. Parties are required to provide their exhibits in the following electronic formats:

- Documents and Photographs: .pdf, .jpg, .bmp, .tif, .gif
- Video and Audio Recording: .avi, .wmv, .mpg, .mp3, .mp4, .wma, .wav

Regarding the size of electronic evidence, individual files should not exceed 500MB. If possible, exhibits approaching or exceeding this size limit should be separated into multiple files. Parties may obtain additional information regarding the submission of electronic exhibits by contacting the Clerk's Office at (307) 433-2120.

24. N/A


In a NON-JURY TRIAL, proposed Findings of Fact and Conclusions of Law must be submitted thirty (30) days after the transcript has become available following conclusion of the Non-Jury Trial.

25. XX

MEDIATION/ADR: The Court encourages the parties to reevaluate their settlement prospects and determine whether mediation or ADR may be appropriate in this case after further discovery has been accomplished.

THESE DEADLINES WILL NOT BE CHANGED ABSENT COMPELLING OR EXTRAORDINARY CIRCUMSTANCES. THE PARTIES SHOULD INFORM THEMSELVES OF ALL OTHER DEADLINES THAT THE COURT APPLIES, REFLECTED IN THE COURT PROCEDURES FOR THE HONORABLE ALAN B. JOHNSON, AND THE APPENDICES IN THE COURT PROCEDURES, INCLUDING THE JOINT FINAL PRETRIAL MEMORANDUM AND FINAL PRETRIAL ORDER.

Dated this 27th day of October, 2015.



Alan B. Johnson
United States District Judge